S.B.Cr.Misc. II Bail App. No. 5145/2007
(Rafiq and Anr. Vs. State of Rajasthan)

Date of order : 13/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Ramesh Purohit for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned.

This is second bail application. The first bail application came to be dismissed on 11.9.2007 while the matter was at the investigation stage, as not pressed. Learned counsel for the petitioners submits that thereafter the police has concluded the investigation and filed challan. He has placed on record the challan papers.

It is contended by learned counsel for the petitioners that first injury report was prepared on 19.7.2007 at 3.15 PM by Medical Jurist, Govt. Hospital, Pratapgarh which has been placed on record, however, another injury report has been prepared by the Medical Jurist, Maharana Bhupal Govt. Hospital, Udaipur on 19.7.2007 at 9.35 PM.

Be that as it may, even if there is any variance between the first and second injury report, from the perusal of the X-ray report, it appears that the injuries largely suffered by the injured are on fingers and no bony injury has been caused on vital parts. From the report of the Radiologist, it appears that second and fourth finger as also the middle pharynx of second and third finger were found to result in bony injury. The injuries are on non-vital parts and the petitioners are in

custody for quite long period.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Rafiq S/o Mohd. Ali and Majid S/o Ismile be released on bail in FIR No. 439/2007 P.S. Pratapgarh provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP